

REMARKS/ARGUMENTS

The present Amendment and Response is an effort to overcome the objections and rejections cited in the Office Action mailed April 21, 2008, and to place the pending Claims in condition for allowance.

Claims 20, 25 and 40-47 are pending in this Application. Claims 1-18, 23, 26 and 28-32 were previously withdrawn from consideration. Claims 19, 21-22, 24, 27 and 33-39 were previously cancelled. Claim 41 has been amended herein.

Objection to the Drawings:

The drawings were objected to for not showing the aperture disposed in a substantially central region of the cutting blade in Claim 41. As is detailed immediately below, Claim 41 has been amended to delete the aperture disposed in a substantially central region of the cutting blade. Therefore, there is no need to show this feature. Withdrawal of the objection is respectfully requested.

Claim Rejections Under 35 U.S.C. §112:

Claims 41-43 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection was made in relation to the Claim language "substantially central region." Claim 41 has been amended as follows: a central aperture disposed in a central or substantially central region of the cutting blade. Claims 42-43 depend from Claim 41.

Accordingly, Applicants believe that the 35 U.S.C. §112, first and second paragraph rejections have been overcome, and respectfully request the Examiner to withdraw the rejections.

Claim Rejections Under 35 U.S.C. §102(b):**The Rejection of Claims 40-46:**

Claims 40-46 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,702,415 to Matthai. The Applicants respectfully traverse this rejection because, as is discussed below, the Matthai patent does not disclose each and every element of the novel subject matter disclosed and set forth in the Claims. Therefore, reconsideration is in order and is respectfully requested.

Independent Claim 40 recites a rotary trimmer. Claim 40 requires

- (1) "a cutting blade carried by the blade carriage, the blade having a plurality of apertures" and
- (2) "a hub connected to the cutting blade via the plurality of apertures."

Matthai fails to disclose at least these elements.

Matthai describes a powered surgical apparatus 10, comprising a handpiece 11 mounting a chuck 12 at one end and a blade 9 (col. 2, lines 26-29). The handpiece 11 also includes a housing 13 (col. 2, line 35).

Matthai fails to disclose "a cutting blade carried by the blade carriage," as Claim 40 requires. Matthai's housing 13 does not carry blade 9, as is stated in the Office Action. Instead, the blade 9 in its fully mounted, normal operating position is on the chuck 12 (col. 2, lines 32-33).

Furthermore, Matthai's blade 9 includes an opening 100 (col. 5, lines 20-22) and a pair of drive openings 110 (col. 6, line 16). However, these openings 100 and 110 are not used to connect a hub to the cutting blade, as Claim 40 requires. Instead, the blade 9 in its fully mounted, normal operating position is on the chuck 12 (col. 2, lines 32-33).

In conclusion, the Matthai patent does not disclose each and every element set forth in the Claims. Thus, the Matthai patent does not anticipate independent Claim 40 or Claims 41-46, which depend from it. Therefore, withdrawal of the rejection of Claims 41-46 is respectfully requested.

The Rejection of Claims 20, 25, and 47:

Claims 20, 25, and 47 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,298,409 to Elson. The Applicants respectfully traverse this rejection because, as is discussed below, the Elson patent does not disclose each and every element of the novel subject matter disclosed and set forth in the Claims. Therefore, reconsideration is in order and is respectfully requested.

Independent Claim 47 recites a rotary trimmer. Claim 47 requires

- (1) "a cutting blade carried by the blade carriage,"
- (2) "a blade guard secured to the cutting blade," and
- (3) "a clip for connecting the blade guard to the cutting blade."

Elson fails to disclose at least these elements.

Elson describes a retaining member 10 that can be used on a portable electric saw 28 (col. 4, lines 31-33). The saw 28 includes an upper guard 36 for a saw blade 30 (col. 4, lines 43). The saw blade 30 is retained upon an arbor 45 by means of a shoulder screw 46. (col. 4, lines 55-57). The upper guard 36 is preferably rotatably mounted upon a sleeve 40 of the housing (col. 4, lines 49-51 and 58-59).

Elson fails to disclose "a cutting blade carried by the blade carriage," as Claim 47 requires. Instead, Elson's saw blade 30 is retained upon an arbor (col. 4, line 55). Elson also fails to disclose "a blade guard secured to the cutting blade," as Claim 47 also requires. Instead, Elson's saw blade 30 is retained upon an arbor 45 by means of a shoulder screw 46. (col. 4, lines 55-57). Lastly, Elson fails to disclose "a clip for connecting the blade guard to the cutting blade," as Claim 47 additionally requires. In contrast, Elson's retaining member 10 (1) retains an external member 19 upon a hub 17, and (2) retains an internal member 20 within the hub 17 (col. 4, lines 49-51 and 58-59). Thus, Elson's retaining member 10 does not connect upper guard 36 to saw blade 30, as the Office Action states.

In summary, the Elson patent does not disclose each and every element set forth in the Claims. Thus, the Elson patent does not anticipate independent Claim 47 or Claims 20 and 25, which depend from it. Therefore, withdrawal of the rejection of Claims 20, 25, and 47 is respectfully requested.

Conclusion

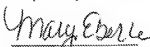
The Applicants believe that the Application is in condition for allowance. Accordingly, the Applicants respectfully request the Examiner to consider and allow the pending Claims.

The non-final Office Action was mailed on April 21, 2009. Thus, the Director is authorized to charge Deposit Account No. 23-2053 for the fee associated with a three-month extension, which the Applicants hereby request. Please charge Deposit Account 23-2053 for the extension fee that is due. No other fee is believed due in connection with this submission. If any such other additional fee is due, please charge the above-referenced Deposit Account.

The Examiner is invited to call the Applicant's attorney at 608-255-4440 in the event that such communication would facilitate allowance of the present Application.

Respectfully submitted,

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